

# Rule Proposal Notice



DEPARTMENT OF  
**ECOLOGY**  
State of Washington

## Hazardous Waste and Toxic Reduction Program

May 2012

### The Better Brakes Rule

The Department of Ecology proposes to adopt Chapter 173-901 WAC, Better Brakes. The rule proposal will be published in the Washington State Register on June 20, 2012.

The purpose of this rule proposal is to implement RCW 70.285, which phases copper, asbestos, and several heavy metals out of brake pads. The rule addresses:

- Criteria manufacturers of brake friction material must follow to certify compliance using third party accredited laboratories.
- Requirements relating to product and packaging markings.
- Requirements for data submitted to the Department of Ecology regarding the concentration of copper and other metals in brake pads sold or offered for sale in Washington.
- A process by which companies may apply for an exemption.
- Other issues necessary to implement RCW 70.285.

Ecology issued a:

- Determination of Nonsignificance (DNS) under the State Environmental Policy Act
- Preliminary Cost-Benefit analysis
- The proposed rule language

These documents are available for review at:

[www.ecy.wa.gov/laws-rules/better\\_brakes/1017.html](http://www.ecy.wa.gov/laws-rules/better_brakes/1017.html)

### Submit your comments

Comment period ends July 19, 2012. You can give us your official comments in the following ways:

1. Testify or submit written comments at the public hearings.
2. Email your comments to: [ian.wesley@ecy.wa.gov](mailto:ian.wesley@ecy.wa.gov)
3. Mail comments to:  
Department of Ecology  
Ian Wesley  
PO Box 47600  
Olympia, WA 98504-7600

#### WHY IT MATTERS

As brake pads wear down, copper and other metals are deposited on roadways, where they are washed into our streams and rivers. In urban areas, brake pads account for up to half of the copper entering our waterways.

Copper is highly toxic to fish and other aquatic species. Young salmon are especially susceptible to the effects of copper. Removing copper and other toxic metals from brake materials will help clean up Puget Sound and other water bodies around the state.

#### Contact information:

Ian Wesley  
360-407-6747  
[ian.wesley@ecy.wa.gov](mailto:ian.wesley@ecy.wa.gov)

#### Special accommodations:

If you need this document in a format for the visually impaired, call the Hazardous Waste and Toxics Reduction Program at 360-407-6700.

Persons with hearing loss, call 711 for Washington Relay Service. Persons with a speech disability, call 877-833-6341.



## Public hearing schedule

Ecology will hold two hearings on the proposed rule. Each hearing will be teleconferenced with one other location.

First Hearing	Second Hearing
<b>Primary Location:</b> Ecology NW Regional Office 3190 - 160th Ave. SE Bellevue, WA 98008-5452	<b>Primary Location:</b> Ecology Headquarters Building 300 Desmond Drive SE Lacey, WA 98503
<b>Teleconference Location:</b> Ecology Central Regional Office 15 West Yakima Ave -- Suite 200 Yakima, WA 98902-3452	<b>Teleconference Location:</b> Ecology Eastern Regional Office N. 4601 Monroe Spokane, WA 99205-1295
<b>Date:</b> 7/10/12	<b>Date:</b> 7/12/12
<b>Time:</b> Doors open at 6:00 p.m.	<b>Time:</b> Doors open at 6:00 p.m.
Workshop with Q&A starts at 6:20 p.m. Formal public hearing starts at 7:00 p.m.	Workshop with Q&A starts at 6:20 p.m. Formal public hearing starts at 7:00 p.m.

## Ecology's response to your comments

All of the comments we receive will become part of the official record. We will publish responses to comments in a document called a Concise Explanatory Statement (CES). The CES is required by the Administrative Procedure Act (RCW 34.05) and is available after the rule is adopted. In the CES you will find your name listed with a reference to where in the document Ecology responded to your comments.

## Expected adoption date

Ecology expects to adopt this rule no earlier than October 17, 2012.

## More information

Ecology used a negotiated, consensus-based stakeholder process to develop this proposed rule. The proposed rule has the support of brake manufacturers, vehicle manufacturers, the Society of Automotive Engineers, wholesalers, retailers, distributors, and environmental groups.

For more information about the rule and the stakeholder process please visit the Better Brakes Rule Website: [www.ecy.wa.gov/programs/hwtr/betterbrakes.html](http://www.ecy.wa.gov/programs/hwtr/betterbrakes.html).

# You're Invited to Attend the Better Brakes Rule Hearings!



The Washington State Department of Ecology (Ecology) is hosting two public hearings on the proposed rules for Washington's Better Brakes Law. The Better Brakes Law phases copper, asbestos, and several heavy metals out of brake friction materials. You have received this notice because you are registered with the Department of Revenue as an automotive-related business. For more information about the law and the proposed regulations please see the attached rule proposal notice and visit Ecology's Better Brakes Website: ([www.ecy.wa.gov/programs/hwtr/betterbrakes.html](http://www.ecy.wa.gov/programs/hwtr/betterbrakes.html)).

## What will happen at the hearings?

The public hearings will start with a brief workshop on the proposed rules. The workshop will be an opportunity to learn more about the proposed rules – why they are being adopted and what effect they will have. After the workshop everyone will have an opportunity to ask questions. Then there will be a formal public hearing, where you may provide comments on the proposed regulations.

## Who should attend the hearings?

Anyone who is interested in the Better Brakes law and how it will be implemented should attend the workshop. Compliance with the Better Brakes law falls mainly on brake manufacturers. However, the law also affects brake pad distributors, retailers, and installers.

## When and where are the hearings?

Details may be found on the attached rule proposal notice.

## If I cannot attend the hearings, can I still provide comments?

Yes, If you would like to provide comments on the proposed regulations they may be submitted in person, through email, or mail. Please see the attached rule proposal notice for details regarding how to submit comments.

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PO Box 47600  
Olympia, WA 98504-7600

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# **Better Brakes Rule**

## **Public Hearings**

**July 10, 2012** in Bellevue and  
Yakima, Washington

**July 12, 2012** in Lacey and  
Spokane, Washington

See inside for details.

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